IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION NO : 3528 of 1999

Between:

APSRTC
rep.by its Depot Manager Dilsuknagar Bus Depot
Dilsuknagar Hyderabad.

..... PETITIONER

AND

1 The Presiding Officer
Labour Court-I,Chandra Vihar Hyderabad.
2 Sri.L.Manipal Reddy S/o.Veera Reddy
R/o.Kommapally Village,Thurupally (M) Devarakonda
Nalgonda Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Certiorari by calling for records from the 1st respondent in I.D.No.69 of 1997 dt.8-7-1998 published in G.O.R.T.No.1419 dt.14-08-98 and quash the Award and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.V.T.M.PRASAD

Counsel for the Respondent No.1: GP FOR LABOUR

Counsel for the Respondent No. 2: SRI G.RAVI MOHAN

The Court made the following :

THE HONOURABLE SRI JUSTICE

C.V.RAMULU

WP.No.3528 of 1999

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ORDER:

This writ petition is filed by the Management (APSRTC) represented by the Depot Manager, Dilsukhnagar Bus-depot, Dilsukhnagar, Hyderabad being aggrieved by the award passed by the Labour Court-I, Hyderabad in ID.No.69 of 1997 dated 8-7-1998.

The respondent No.2 was appointed as a casual Driver in APSRTC with effect from 13-11-1986 and his services were regularized with effect from 12-2-1987 in the

cadre of Driver. The 2nd respondent at the time recruitment has submitted driving license No.210649 dated 28-4-1980 and got appointed as the Driver in the Corporation on the strength of the said license. The license was verified by the Divisional Manager (Charminar Division) with the Additional Licensing Authority, RTA, Hyderabad wherein it was revealed that the said license was bogus one. Further, it was informed by the Assistant Secretary, RTA, Hyderabad that the driving license No.210649 was originally issued in the name of Sri Narsimha Naidu for light motor vehicle. Basing on the report of the Assistant Secretary, RTA, Hyderabad and the Divisional Manager, Charminar Division, according to the petitioner herein, it was established that the 2nd respondent workman has submitted a bogus driving licence at the time of appointment and cheated the Corporation by securing a job on the strength of the said bogus driving license. Therefore, the Depot Manager suspended the 2nd respondent and after conducting due enquiry in the matter and following all formalities the 2nd respondent was removed from service. Aggrieved by the same, the 2nd respondent raised an industrial dispute before the Labour Court-I at Hyderabad under Section 2-A (2) of the I.D Act stating that his services were terminated illegally without there being any evidence to show that he had a bogus license and as such obtained employment in the Corporation on that basis. Before the Labour Court the petitioner herein also filed a counter almost stating the same facts as is repeated in the writ petition herein. Before the Labour Court, however, no oral evidence was let-in by both the parties. However, on behalf of the workman documents Exs.W.1 to W.3 were marked and on behalf of the petitioner-management Exs.M.1 to M.3 were marked. On the basis of the evidence available on record, the Labour Court came to the conclusion that absolutely there was no evidence before the enquiry officer except the suspension order and the proceedings of the Depot Manager to show that the license obtained and held by the 2nd respondent herein for the purpose of obtaining the employment in APSRTC as a Driver was false or bogus. Therefore held that termination of the services of the 2nd respondent herein was arbitrary, illegal and further directed the petitioner-management to reinstate the workman into service, but no back-wages were awarded since there was delay on the part of the workman approaching the labour Court. Aggrieved by the same, this writ petition is filed.

A detailed counter affidavit has been filed by the 2nd respondent-workman stating

that the award passed by the labour court is just and proper. Absolutely there was no evidence whatsoever to show that the workman had obtained a bogus licence except a self serving statement of the management. This writ petition is devoid of merits and is liable to be dismissed.

I have given my earnest consideration to the submissions made by both the learned counsel on either side, and also perused the award passed by the Labour Court, and other material made available on record.

At the outset, I am of the opinion that the labour court has not committed any infirmity calling for interference of this Court under Article 226 of the Constitution of India. Absolutely no evidence was placed before the labour court to show that, as on the date the license obtained by the 2nd respondent was a bogus one and even no such document as to the verification report or any vigilance report was marked before the labour court. The only document marked before the labour court by the management was the suspension order and the proceedings of removal from service and the Xerox copy of the driving license of the 2nd respondent. Except this there is no evidence available on record. Though in the counter affidavit filed before the labour court and also in the writ petition herein the management asserted that the Additional Licensing Authority, RTA, Hydrabad informed them that the license obtained by the 2nd respondent was a bogus one, no effort was made to place the said material before the labour Court.

This is a case of no evidence. Therefore, the labour court has rightly came to the conclusion that the charges leveled against the 2nd respondent herein were not proved and the termination of the services of the 2nd respondent herein was illegal. However, while considering the delay committed by the workman in approaching the labour court, the labour court has denied the complete back wages for the period he was out of service. Be that as it may, during the pendency of the writ petition the petitioner-management obtained interim stay of the award on 19-4-1999 which was made absolute by this Court on 18-4-201 in WVMP.No.2742 of 2000 in WPMP.No.4394 of 1999 subject to complying with Section 17-B of the I.D Act. Instead of paying Section 17-B wages the petitioner has reinstated the 2nd respondent into service on 20-6-2003 and the 2nd respondent has been working for the last more than 2 years as driver in the Corporation.

For all the above reasons, the writ petition is devoid of merits and is liable to be dismissed. Accordingly, the writ petition is dismissed. No order as to costs.

01st July, 2005

grk

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Presiding Officer
Labour Court-I,Chandra Vihar Hyderabad.
2 Sri.L.Manipal Reddy S/o.Veera Reddy
R/o.Kommapally Village,Thurupally (M) Devarakonda
Nalgonda Dist.

3. 2 CD copies

4. 1 CC to MR.RAVI MOHAN

5. 2 CCs to G.P for Labour, High Court Buildings, Hyderabad.

*Form-NIC-OGS/WP{**LOBIS**}*